

Notice of Allowability	Application No.	Applicant(s)	
	09/942,213	TANAKA ET AL.	
	Examiner	Art Unit	
	John B Streege	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment received 11/18/04.
2. The allowed claim(s) is/are 1-18.
3. The drawings filed on 30 August 2001, and 27 December 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8-30-01
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Schiavelli on 3/18/05.

In claim 1:

Replace "a comparison" on line 13 with --the comparison--.

Replace "an estimated" on line 15 with --the estimated--.

Response to Amendment

2. In response to the applicant's amendment received 11/18/04, all requested changes to the claims have been entered. Furthermore the Examiner forgot to acknowledge the preliminary amendment filed 12/27/01, and therefore does so now. The changes to the drawings, the substitute specification, and abstract submitted 12/27/01 have been entered.

As a result of the terminal disclaimer filed 11/18/04, the double patenting rejection of claims 1-18 has been withdrawn.

Allowable Subject Matter

3. Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding claim 1 - none of the prior art alone or in combination disclose

Comparing information about image feature amount obtained with a preset value and estimating on the basis of the comparison result a quality of patterns which have been formed around the desired area.

Similarly with claim 10, none of the prior art disclose performing estimation of failure occurrence conditions of a chip and determining a distribution of estimated failure occurrence conditions on said chip.

Similarly with claim 14, none of the prior art disclose estimation means for estimating the quality of a pattern that has been formed on the periphery of said desired area by comparing information about image feature amount that has been obtained with the help of information obtaining means.

Claims 2-9, 11-13, and 15-18 are dependent on the allowable claims and are thus allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,172,363 Method and apparatus for inspecting integrated circuit pattern.

Art Unit: 2625

Hess et al. *Wafer Level Defect Density Distribution Using Checkerboard Test Structures* from Proc. IEEE 1998 Int. Conference on Microelectronic Test Structures, Vol. 11, March 1998.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B Strege whose telephone number is (571) 272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



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